

106TH CONGRESS
2D SESSION

S. 2786

To authorize the Secretary of the Interior to carry out a plan to rehabilitate Going-to-the-Sun Road located in Glacier National Park, Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2000

Mr. DASCHLE (for Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to carry out a plan to rehabilitate Going-to-the-Sun Road located in Glacier National Park, Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Glacier National Park
5 Rehabilitation and Enhancement Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) in 1910, Congress established Glacier Na-
9 tional Park, Montana, to provide opportunities to ex-

1 perience, understand, appreciate, and enjoy the Park
2 while preserving the resources of the Park;

3 (2) in 1916, Congress enacted the Act of Au-
4 gust 25, 1916 (16 U.S.C. 1 et seq.), clarifying that
5 national parks were established to preserve and pro-
6 tect natural and cultural resources so that the re-
7 sources would remain unimpaired for future genera-
8 tions;

9 (3) in 1965, by enacting Public Law 89–249
10 (commonly known as the “National Park System
11 Concessions Policy Act”) (16 U.S.C. 20 et seq.), and
12 in 1998, by enacting the National Park Service Con-
13 cessions Management Improvement Act of 1998 (16
14 U.S.C. 5951 et seq.), Congress directed that the de-
15 velopment of public accommodations, facilities, and
16 services in the National Park System be limited to
17 those accommodations, facilities, and services that
18 are—

19 (A) necessary and appropriate for public
20 use and enjoyment; and

21 (B) consistent, to the maximum extent
22 practicable, with the preservation and conserva-
23 tion of national parks;

24 (4) Glacier National Park contains prehistoric
25 sites dating back 2,000 years, and has been a site

1 of key importance to the Salish, Kootenai, and
2 Pikuni (Blackfoot) tribes for hunting, gathering, and
3 spiritual purposes;

4 (5) each tribe referred to in paragraph (4) has
5 sacred sites within the Park;

6 (6) the Park contains more than 1200 varieties
7 of plants, 22 species of fish, 210 species of birds,
8 and 57 species of mammals;

9 (7) the Park provides valuable habitat for the
10 gray wolf, the grizzly bear, the Canada lynx, the per-
11 egrine falcon, and the bull trout, all of which are
12 listed as threatened species or endangered species by
13 the United States Fish and Wildlife Service under
14 the Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.);

16 (8) the Park is the site of 6 national historic
17 landmarks, including the Many Glacier Hotel and
18 the Lake McDonald Lodge;

19 (9) the Park contains more than 350 structures
20 that are listed on the National Register of Historic
21 Places;

22 (10) in 1996, the National Trust for Historic
23 Preservation placed the historic structures in the
24 Park on the list of the 11 most endangered sites in
25 the United States;

1 (11) the Many Glacier Hotel, built by the Great
2 Northern Railway between 1914 and 1917, is in
3 need of major rehabilitation in order to maintain the
4 historic values of the structure;

5 (12) the Going-to-the-Sun Road in the Park
6 was—

7 (A) in 1983, listed on the National Reg-
8 ister of Historic Places;

9 (B) in 1985, designated as a national his-
10 toric engineering landmark by the American So-
11 ciety of Civil Engineers; and

12 (C) in 1997, due in part to the narrow
13 width of the Road, designated as a national his-
14 toric landmark;

15 (13) the upper portions of the Road have not
16 been substantially repaired or rehabilitated since the
17 Road was completed in 1932;

18 (14) in 1997, the Federal Highway Administra-
19 tion concluded that the Road has sustained signifi-
20 cant structural damage and is in need of major re-
21 habilitation;

22 (15) in 1999, the Park completed a General
23 Management Plan that addressed 8 critical issues
24 facing the Park, including the use and reconstruc-
25 tion of the Road, the preservation of historic hotels,

1 and the need for a west side discovery center and
2 museum;

3 (16) public response to the General Manage-
4 ment Plan indicated strong support for Park man-
5 agement that protected natural resources and wild-
6 life while maintaining visitor use and retaining facili-
7 ties in the Park;

8 (17) every year, approximately 2,000,000 peo-
9 ple from all parts of the world visit the Park;

10 (18) conservative economic models indicate that
11 the Park generates more than \$160,000,000 annu-
12 ally in income for the economy of the State of Mon-
13 tana;

14 (19) it is in the public interest to maintain and
15 restore the resources of the Park and to involve the
16 public in decisionmaking concerning management,
17 preservation, and restoration of the resources of the
18 Park; and

19 (20) recognizing that national parks are held in
20 trust for the public, it is in the public interest—

21 (A) for resources and facilities at the Park
22 to be accessible and affordable to the general
23 public;

24 (B) for resources of the Park to remain in
25 public ownership;

1 (C) for the National Park Service to con-
2 duct a comprehensive, continuous, long-term as-
3 sessment of the needs and resources of the
4 Park so that Congress and the National Park
5 Service may take steps to prevent the deteriora-
6 tion of resources of the Park to critical levels,
7 such as the deterioration that has occurred with
8 respect to the Many Glacier Hotel;

9 (D) to reconstruct the Road while main-
10 taining public involvement concerning—

11 (i) the best method for reconstruction
12 of the Road; and

13 (ii) the development of economic im-
14 pact mitigation that is the most effective
15 and consistent with Park values;

16 (E) for the National Park Service, in ac-
17 cordance with the Commercial Services Plan, to
18 assess a variety of funding options for the reha-
19 bilitation of historic structures in the Park, in-
20 cluding the potential for a historic lease financ-
21 ing demonstration project;

22 (F) for the National Park Service to create
23 partnerships with local educational institutions
24 and Native American tribes to facilitate job

1 training for Park jobs and enhanced cultural
2 and historical visitor experiences; and

3 (G) for the National Park Service to de-
4 sign and construct a new visitor center and mu-
5 seum space on the west side of the Park, as
6 outlined in the General Management Plan.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **ADVISORY COMMITTEE.**—The term “Advi-
10 sory Committee” means the Going-to-the-Sun Road
11 Citizens Advisory Committee referred to on page
12 1422 of the Conference Report No. 105–825 accom-
13 panying the Omnibus Consolidated and Emergency
14 Supplemental Appropriations Act, 1999 (Public Law
15 105–277).

16 (2) **COMMERCIAL SERVICES PLAN.**—The term
17 “Commercial Services Plan” means the Commercial
18 Services Plan for Glacier National Park required to
19 be completed under section 6 that is—

20 (A) referred to in the General Management
21 Plan; and

22 (B) as of the date of enactment of this
23 Act, being prepared by the National Park Serv-
24 ice.

1 (3) GENERAL MANAGEMENT PLAN.—The term
 2 “General Management Plan” means the Final Gen-
 3 eral Management Plan for Glacier National Park
 4 completed by the National Park Service in 1999.

5 (4) LOCAL EDUCATIONAL INSTITUTION.—

6 (A) IN GENERAL.—The term “local edu-
 7 cational institution” means a college (including
 8 a community college) or university that is lo-
 9 cated in the vicinity of the Park.

10 (B) INCLUSIONS.—The term “local edu-
 11 cational institution” includes—

12 (i) Flathead Valley Community Col-
 13 lege;

14 (ii) Blackfeet Community College; and

15 (iii) Salish Kootenai College.

16 (5) PARK.—The term “Park” means Glacier
 17 National Park, Montana.

18 (6) RESOURCES OF THE PARK.—The term “re-
 19 sources of the Park” means the historical, cultural,
 20 and biological resources of the Park.

21 (7) ROAD.—The term “Road” means Going-to-
 22 the-Sun Road, located in Glacier National Park,
 23 Montana.

1 (8) TOUR BUSES.—The term “tour buses”
2 means the fleet of red tour buses built in 1937 that
3 are used to transport visitors through the Park.

4 (9) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior, acting through the Di-
6 rector of the National Park Service.

7 **SEC. 4. GOING-TO-THE-SUN ROAD REHABILITATION AND**
8 **MAINTENANCE.**

9 (a) GOING-TO-THE-SUN ROAD STUDY.—Not later
10 than 18 months after the date on which funds are made
11 available under this section, the Secretary, in consultation
12 with the Advisory Committee, shall complete a feasibility
13 study for rehabilitation of the Road.

14 (b) INCLUSIONS.—The study shall include—

15 (1) alternative plans for rehabilitation of the
16 Road, including, for each alternative described in a
17 plan—

18 (A) a ranking of the feasibility of the alter-
19 native;

20 (B) an estimate of the length of time nec-
21 essary to complete the alternative; and

22 (C) an estimate of the likely economic im-
23 pact to local communities of the alternative;

24 (2) an estimate of the costs and analysis of
25 benefits of each plan;

1 (3) an analysis of long-term maintenance needs,
2 standards, and schedules for the Road, including—

3 (A) alternatives that may facilitate the
4 completion of repairs;

5 (B) maintenance staff needs; and

6 (C) associated cost estimates;

7 (4) an analysis of improvements to any trans-
8 portation system relating to the Park that are need-
9 ed inside or outside of the Park; and

10 (5) such additional information as is necessary
11 to comply with—

12 (A) the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.);

14 (B) the National Historic Preservation Act
15 (16 U.S.C. 470 et seq.); and

16 (C) other applicable law.

17 (c) CONTINUATION OF MAINTENANCE.—Nothing in
18 this section affects the duty of the Secretary to continue
19 to preserve, maintain, and address safety concerns relating
20 to the Road.

21 (d) IMPLEMENTATION OF PLAN.—As soon as prac-
22 ticable after completing the study required under sub-
23 section (a), the Secretary shall—

24 (1) consider the recommendations of the Advi-
25 sory Committee;

1 (2) make a final decision regarding rehabilita-
2 tion of the Road and improvement of transportation
3 systems relating to the Park that are located inside
4 or outside of the Park; and

5 (3) implement the decision.

6 (e) REPORT.—Not later than 30 days after comple-
7 tion of the study required under subsection (a), the Sec-
8 retary shall submit a copy of the study to—

9 (1) the Committee on Resources, and the Com-
10 mittee on Transportation and Infrastructure, of the
11 House of Representatives; and

12 (2) the Committee on Energy and Natural Re-
13 sources, and the Committee on Environment and
14 Public Works, of the Senate.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section (in-
17 cluding the cost of the study under subsection (a), engi-
18 neering design and planning, rehabilitation of the Road,
19 transportation system improvements, and monitoring)
20 \$200,000,000.

21 **SEC. 5. IMPACT MITIGATION PLAN.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with the Advisory Committee, local governments, affected
24 local businesses, and other interested persons, shall pre-
25 pare a plan to mitigate any adverse economic impact to

1 local communities resulting from rehabilitation of the
2 Road.

3 (b) CONSIDERATIONS OF PLAN.—In developing the
4 plan described in subsection (a), the Secretary shall take
5 into consideration—

6 (1) low interest loans, grants, and other incen-
7 tives issued in partnership with local governments or
8 economic development authorities to assist existing
9 businesses in stimulating alternative economic op-
10 portunities during repair of the Road;

11 (2) marketing and other incentives to maintain
12 sustainable levels of visitation to the Park;

13 (3) training for businesses and employees to—

14 (A) better meet the needs of the Park; and

15 (B) respond to any expected adverse eco-
16 nomic impact; and

17 (4) consistency with Park values as expressed
18 in the Act of August 25, 1916 (16 U.S.C. 1 et seq.),
19 and other applicable provisions of law.

20 (c) IMPACT MITIGATION FUNDS.—The amount of
21 funds dedicated to impact mitigation under the plan de-
22 scribed in subsection (a) shall be commensurate with the
23 estimates of the likely adverse economic impact on local
24 communities for the alternative selected under section

1 4(d), as determined by the Secretary under section
 2 4(b)(1)(C).

3 (d) REPORT TO CONGRESS.—Not later than 30 days
 4 after completion of the plan described in subsection (a),
 5 the Secretary shall submit to each Member of Congress
 6 from the State of Montana a copy of the study that indi-
 7 cates whether additional funds or congressional authoriza-
 8 tion is needed to implement the plan.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 10 authorized to be appropriated to the Secretary to carry
 11 out this section \$5,000,000.

12 **SEC. 6. COMMERCIAL SERVICES PLAN.**

13 (a) IN GENERAL.—The Secretary shall complete a
 14 Commercial Services Plan for the Park to assess the provi-
 15 sion of commercial services in the Park, including, at a
 16 minimum, assessments of—

17 (1) visitor needs in the context of the congres-
 18 sional direction for the National Park System, as ex-
 19 pressed in—

20 (A) the Act of August 25, 1916 (16 U.S.C.
 21 1 et seq.);

22 (B) the National Park Service Concessions
 23 Management Improvement Act of 1998 (16
 24 U.S.C. 5951 et seq.);

25 (C) other applicable law; and

- 1 (D) the General Management Plan;
- 2 (2) the condition of the Many Glacier Hotel and
3 other historic structures in the Park;
- 4 (3) options for rehabilitation of the Many Gla-
5 cier Hotel and other historic structures in the Park;
- 6 (4) options for financing repair of the Many
7 Glacier Hotel and other historic structures in the
8 Park, including the use of the historic lease financ-
9 ing option authorized under section 7, that—
- 10 (A) maintain public ownership of the struc-
11 tures;
- 12 (B) use or combine public and private (in-
13 cluding philanthropic) funding;
- 14 (C) are consistent with the General Man-
15 agement Plan;
- 16 (D) are consistent with the intent of Con-
17 gress as expressed in each law referred to in
18 paragraph (1); and
- 19 (E) further the public interest in pre-
20 serving the historical and cultural values of the
21 structures; and
- 22 (5) the environmental impact of each option
23 considered under paragraphs (3) and (4).

1 (b) PUBLIC PARTICIPATION.—In preparing the Com-
2 mercial Services Plan, the Secretary shall provide full op-
3 portunities for comment by all interested persons.

4 (c) REPORT TO CONGRESS.—Not later than 30 days
5 after completion of the plan under subsection (a), the Sec-
6 retary shall submit a copy of the Commercial Services
7 Plan that indicates whether additional funds or congres-
8 sional authorization for federally guaranteed loans or
9 other purposes are needed to implement the Plan, to—

10 (1) the Committee on Resources, and the Com-
11 mittee on Transportation and Infrastructure, of the
12 House of Representatives; and

13 (2) the Committee on Energy and Natural Re-
14 sources, and the Committee on Environment and
15 Public Works, of the Senate.

16 (d) RESOURCES.—The Secretary shall allocate suffi-
17 cient resources for the completion of the Commercial Serv-
18 ices Plan in accordance with this section.

19 (e) REPORT TO CONGRESS.—The Secretary shall
20 submit to Congress a report that describes recommenda-
21 tions for financing historic restoration efforts at units of
22 the National Park System other than the Park, based on
23 the findings of the Commercial Services Plan.

1 **SEC. 7. AUTHORIZATION FOR HISTORIC LEASE FINANCING**
2 **DEMONSTRATION PROJECT.**

3 (a) DETERMINATION BY SECRETARY.—If the Sec-
4 retary determines, in reviewing the Commercial Services
5 Plan, that an exercise of authority under this section
6 would be in the public interest and consistent with Park
7 values, the Secretary may exercise the authority.

8 (b) COMPETITIVE LEASING OF PROPERTY.—After
9 completion of the Commercial Services Plan, notwith-
10 standing section 321 of the Act of June 30, 1932 (40
11 U.S.C. 303b), or any other provision of law, the Secretary
12 may competitively lease to any person a lodging facility
13 (including associated property) in the Park that is listed
14 on the National Register of Historic Places.

15 (c) MANDATORY CONDITIONS OF LEASE.—A lease
16 under subsection (b) shall include such terms and condi-
17 tions as the Secretary determines are necessary to—

18 (1) ensure, to the maximum extent practicable,
19 that the lease will not result in any derogation of the
20 values of Glacier National Park;

21 (2) ensure the rehabilitation and maintenance
22 of the leased property in a manner consistent with
23 the historic character of the property, as determined
24 by the Secretary;

25 (3) ensure the payment or other satisfaction of
26 any possessory interest and other compensation due

1 the concessioner relating to the leased property
2 under the terms of National Park Service Conces-
3 sion Contract No. GLAC 002–81, on the expiration
4 or other termination of that contract; and

5 (4) require the lessee to sublease the leased
6 property to a person holding a concession contract
7 awarded by the Secretary under title IV of the Na-
8 tional Park Service Concessions Management Im-
9 provement Act of 1998 (16 U.S.C. 5951 et seq.).

10 (d) DISCRETIONARY CONDITIONS OF LEASE.—The
11 Secretary may include in a lease under subsection (b) such
12 other terms and conditions as the Secretary determines
13 to be necessary to provide the lessee adequate protection
14 against loss of investment in any capital improvement that
15 the lessee may make to the leased property, such as an
16 obligation of the United States to compensate the lessee
17 for loss of investment in capital improvements made to
18 the leased property, including, if appropriate, an obliga-
19 tion of funds deposited or to be deposited in the Glacier
20 National Park subaccount established by section 407(d)
21 of the National Park Service Concessions Management
22 Improvement Act of 1998 (16 U.S.C. 5956(d)).

23 (e) LEASEHOLD SURRENDER INTEREST.—If the re-
24 habilitation costs of the property leased under subsection
25 (b) cannot be entirely recovered by a lessee through his-

1 toric rehabilitation tax credits under section 47 of the In-
 2 ternal Revenue Code, sublessee rent payments, and other
 3 terms and conditions of the lease, the Secretary may, after
 4 submitting a report to Congress describing the inability
 5 to recover funds, include in a lease authorized by sub-
 6 section (b) terms and conditions that are necessary to pro-
 7 vide the lessee a leasehold surrender interest in the leased
 8 property as described in section 405 of the National Park
 9 Service Concessions Management Improvement Act of
 10 1998 (16 U.S.C. 5954).

11 **SEC. 8. RESTORATION OF TOUR BUSES.**

12 The Secretary shall, to the maximum extent prac-
 13 ticable, provide necessary assistance to the National Trust
 14 for Historic Preservation and other entities seeking to re-
 15 store tour buses used in the Park.

16 **SEC. 9. PARTNERSHIPS WITH LOCAL EDUCATIONAL INSTI-**
 17 **TUTIONS.**

18 (a) IN GENERAL.—The Secretary shall enter into
 19 partnerships with local educational institutions to facili-
 20 tate the development of skills that are needed for employ-
 21 ment opportunities in and around the Park.

22 (b) PROGRAMS.—In conjunction with local edu-
 23 cational institutions, the Secretary shall evaluate the use
 24 of—

1 (1) the Historic Preservation Training Center
2 of the National Park Service, in the development of
3 collaborative programs to—

4 (A) train students in working with historic
5 materials and fabrics; and

6 (B) provide to students other expertise
7 necessary for the restoration, preservation, sta-
8 bilization, and reconstruction of historic prop-
9 erties;

10 (2) the Learning Place Programs for Natural
11 and Cultural Resources Stewardship of the National
12 Park Service, to develop collaborative programs to
13 train students in cultural education, environmental
14 science, and natural resource management; and

15 (3) the Learning Place Programs for Specialty
16 Fields of the National Park Service, to develop col-
17 laborative programs to train students in concessions
18 management, visitor services, and related fields.

19 (c) INTEGRATION.—Partnerships entered into under
20 this section shall—

21 (1) seek to build on the selection of courses al-
22 ready available at area education institutions;

23 (2) encourage a closer relationship between the
24 National Park Service at the Park and area edu-
25 cation institutions; and

1 (3) facilitate greater interaction between local
2 communities, local educational institutions, and the
3 Park in the form of internships, on-site research,
4 visiting lecturers, and job placement.

5 (d) PROMOTION OF PARTNERSHIPS.—In issuing a
6 contract regarding Glacier National Park under this Act
7 or any other provision of law, the Secretary shall seek to
8 promote the partnerships under this section.

9 (e) LOGISTICS.—The Secretary shall—

10 (1) evaluate any logistical difficulties that could
11 limit the success of a program described in sub-
12 section (b), including transportation and other needs
13 relating to funding; and

14 (2) submit to Congress a report that describes
15 any recommendations of the Secretary to minimize
16 those logistical difficulties.

17 **SEC. 10. GLACIER NATIONAL PARK RESOURCES AND NEEDS**
18 **ASSESSMENT.**

19 (a) IN GENERAL.—The Secretary, in conjunction
20 with the National Academy of Sciences, shall conduct an
21 assessment to determine—

22 (1) the condition of the resources of the Park;
23 (2) activities and events that are adversely af-
24 fecting the resources of the Park; and

1 (3) the resources and authority that are needed
2 to maintain the resources of the Park in accordance
3 with—

4 (A) the Act of August 25, 1916 (16 U.S.C.
5 1 et seq.);

6 (B) the National Historic Preservation Act
7 (16 U.S.C. 470 et seq.); and

8 (C) other applicable laws.

9 (b) PUBLIC INVOLVEMENT.—The Secretary shall
10 conduct the assessment required under subsection (a) with
11 full opportunities for public participation, and in consulta-
12 tion with—

13 (1) the Blackfeet and Confederated Salish and
14 Kootenai Tribes;

15 (2) the State of Montana;

16 (3) the National Parks Conservation Associa-
17 tion; and

18 (4) the National Trust for Historic Preserva-
19 tion.

20 (c) REPORT TO CONGRESS.—Not later than 30 days
21 after completion of the assessment under subsection (a),
22 the Secretary shall submit a copy of the assessment that
23 indicates whether additional funding, authorization, or
24 other congressional action is needed to protect and main-
25 tain the resources of the Park, to—

1 (1) the Committee on Resources, and the Com-
 2 mittee on Transportation and Infrastructure, of the
 3 House of Representatives; and

4 (2) the Committee on Energy and Natural Re-
 5 sources, and the Committee on Environment and
 6 Public Works, of the Senate.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 8 authorized to be appropriated to provide the resources and
 9 needs assessment described in subsection (a) \$1,000,000.

10 **SEC. 11. GLACIER NATIONAL PARK VISITOR CENTER.**

11 (a) IN GENERAL.—As soon as practicable after com-
 12 pletion of the Commercial Services Plan and any studies
 13 required to be carried out under the National Environ-
 14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
 15 other applicable laws, the Secretary shall—

16 (1) determine an appropriate location and de-
 17 sign for a new visitor center, including suitable hous-
 18 ing and display facilities for the collection of mu-
 19 seum objects of the Park, for the west side of the
 20 Park; and

21 (2) construct the visitor center.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 23 authorized to be appropriated for planning and construc-
 24 tion of the visitor center described in subsection (a)
 25 \$18,000,000.

1 **SEC. 12. MAINTENANCE AND UPGRADE OF UTILITY SYS-**
2 **TEMS.**

3 (a) IN GENERAL.—Consistent with the General Man-
4 agement Plan and, when completed, the Commercial Serv-
5 ices Plan, the Secretary shall continue to maintain and
6 improve the utility systems in the Park.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated for repair and improvement
9 of utility systems in the Park \$20,000,000.

10 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

11 In addition to amounts authorized to be appropriated
12 under other sections of this Act, there are authorized to
13 be appropriated such sums as are necessary to carry out
14 this Act.

